

REMARKS

This application has been carefully reviewed in light of the Office Action dated June 7, 2010. Claims 1 to 18 are in the application, and each of these claims is independent. Reconsideration and further examination are respectfully requested.

The Office maintains its requirements for restriction and election, and in addition makes those requirements “final”. Applicant continues to believe that these requirements were entered improvidently, for the reason that the requirement was entered under 37 C.F.R. § 1.142, which is inapplicable to the instant application. More precisely, the instant application is a national stage application submitted under 35 U.S.C. § 371, for which “unity of invention” is applicable, and for which 37 C.F.R. § 1.142 does not apply. Accordingly, in keeping with Applicant’s timely traversal of the requirements, a Petition accompanies this Amendment.

In keeping with the requirements for restriction and election, all but Claims 2 and 10 were withdrawn from further consideration. Claims 2 and 10 were rejected under 35 U.S.C. § 102(e) over U.S. Patent Application Publication 2005/0102517 (Paddon). The rejections are respectfully traversed, as explained more fully below.

The rejected claims are directed to wireless communication between a wireless communication apparatus and a mobile device. Among its features, the claims specify transmission of a search signal containing a response time interval. When a plurality of response signals are received from one mobile device at the response time

intervals after the search signal is transmitted, authentication information is transmitted to the mobile device.

Thus, according to the rejected claims, the time interval of repeatedly received response signals is used for authentication.

Paddon discloses authentication between a network and a subscriber. An expiration time is defined for such authentication, and represents a specific date and time on which authentication expires.

The Office apparently relies on Paddon's expiration time, and equates this expiration time with the claimed time interval. Applicant respectfully submits that such reliance is misplaced.

At the outset, Applicant respectfully submits that an expiration time is different from a time interval. That is, the expiration time in Paddon is a specific time, such as a year, month, day, hour, minute and second. This is different than a time difference, and is clearly different from the claimed time interval.

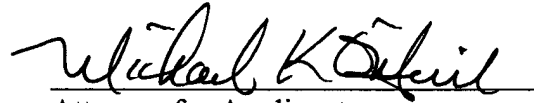
Moreover, Paddon is not seen to disclose or to suggest transmission of authentication information to a mobile device when a plurality of response signals are received from one wireless communication device at the response time intervals after a search signal is transmitted, wherein the search signal contains the responsive time interval.

It is therefore respectfully submitted that Claims 2 and 10 recite subject matter that is not anticipated by Paddon, and allowance of these claims is respectfully requested.

Moreover, pursuant to the Petition that accompanies this Amendment, Applicant also requests rejoinder of all claims, and examination on the merits thereof.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael K. O'Neill", is written over a horizontal line.

Attorney for Applicant
Michael K. O'Neill
Registration No.: 32,622

FITZPATRICK, CELLA, HARPER & SCINTO
1290 Avenue of The Americas
New York, New York 10104-3800
Facsimile: (212) 218-2200

FCHS_WS 5516673v1